

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

J & J SPORTS PRODUCTIONS, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 1:14-cv-2000-JMS-DML
)	
ARIANA ZARATE COBIAN, Individually)	
and doing business as EL PATRON NIGHT)	
CLUB and A&C RESTAURANTS, LLC, an)	
unknown business entity, doing business as)	
EL PATRON NIGHT CLUB,)	
)	
Defendants.)	

Report & Recommendation to Dismiss
Complaint Without Prejudice

On January 19, 2016, the court issued an order requiring the plaintiff to take action in the prosecution of its claims no later than January 29, 2016. The court warned the plaintiff that if it fails to do so, the magistrate judge will recommend the dismissal of its complaint without prejudice.

This case has stagnated on the court's docket because of delays from the plaintiff's difficulty in identifying the proper defendants and the plaintiff's neglect in timely effecting service. The plaintiff filed this case on December 4, 2014, but service on the current defendants was not made until December 8, 2015—and only after repeated reminders from the court to complete service.

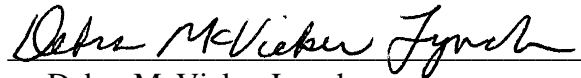
The court's docket reflects that the plaintiff has not taken action to prosecute its claims. It did not seek remedies under Rule 55 despite the defendants' failure to appear or file an answer.

Because of the plaintiff's continued lack of attention to the prosecution of its claims and its failure to comply with the January 19, 2016 order, the Magistrate Judge recommends that the District Judge dismiss the plaintiff's complaint without prejudice.

Any objections to this report and recommendation must be filed in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). Failure to file objections within fourteen days after service will constitute a waiver of subsequent review absent a showing of good cause for such failure.

IT IS SO RECOMMENDED.

Dated: February 11, 2016

A handwritten signature in black ink, reading "Debra McVicker Lynch", written over a horizontal line.

Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record by email through the court's ECF system